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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 3.15 p.m.

Agenda item 153: Establishment of an international criminal court (*continued*) (A/C.6/53/L.9/Rev.1)

Draft resolution A/C.6/53/L.9/Rev.1

1. **Mr. Verweij** (Netherlands), introducing draft resolution A/C.6/53/L.9/Rev.1, drew the Committee's attention to some revisions that had been made to the text. In the third preambular paragraph, the words "and growing" had been deleted. In paragraph 4, the dates on which the Preparatory Commission was to meet had been added. In the third line of paragraph 5, the words "if so requested by the Preparatory Commission" had been deleted for budgetary reasons. In addition, in the second line of that paragraph, a comma should be inserted after the words "working documents". In the second line of paragraph 7, the word "including" had been replaced with the word "by".

2. He emphasized that no additional appropriation would be necessary in the programme budget for the biennium 1998–1999, since the Secretariat would not have to prepare any working documents.

3. **Ms. Montesino** (Spain) pointed out an error in the Spanish-language version of paragraph 5 of the draft. Instead of "incluida la preparación de los documentos de trabajo", the text should read "no incluida la preparación de los documentos de trabajo".

4. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/53/L.9/Rev.1 without a vote.

5. *Draft resolution A/C.6/53/L.9/Rev.1 was adopted without a vote.*

6. **The Chairman** said that the Sixth Committee had thus concluded its consideration of agenda item 153.

Agenda item 148: Convention on jurisdictional immunities of States and their property (*continued*) (A/C.6/53/L.19/Rev.1)

Draft resolution A/C.6/53/L.19/Rev.1

7. **Mr. Kawamura** (Japan), introducing the draft resolution on behalf of the coordinating delegation, said that the text provided for the establishment of an open-ended working group of the Sixth Committee and that it invited the International Law Commission to present, by 31 August 1999, its preliminary comments regarding outstanding substantive issues. The coordinating delegation asked the Secretariat to schedule the session of that working group at the beginning of the fifty-fourth session of the General Assembly, immediately following the session of the working group on terrorism.

8. **The Chairman** thanked the representative of Japan and indicated that the working group mentioned in the draft resolution would be a subsidiary body of the Sixth Committee, governed by the rules of procedure of the General Assembly. If he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/53/L.19/Rev.1 without a vote.

9. *Draft resolution A/C.6/53/L.19/Rev.1 was adopted without a vote.*

10. **The Chairman** said that the Sixth Committee had thus concluded its consideration of agenda item 148.

Agenda item 155: Measures to eliminate international terrorism (*continued*) (A/C.6/53/L.20/Rev.1)

11. **Mr. Holmes** (Canada) reported on the informal consultations which he had coordinated on the draft international convention for the suppression of acts of nuclear terrorism. The report submitted by the Working Group of the Sixth Committee (A/C.6/53/L.4) included a proposal by the Friends of the Chairman, as well as the reservations formulated by some delegations with respect to the draft convention, particularly on the subject of its scope of application.

12. He regretted to inform the Sixth Committee that delegations had been unable to reach an agreement and that they had not been in a position to adopt the draft convention. Nevertheless, he appreciated the sustained efforts of those delegations, particularly that of the Russian Federation, which was the principal sponsor of the draft. The concerns which had been expressed related to, *inter alia*, the scope of application of the convention, its political repercussions in the area of disarmament and the legality or illegality of nuclear weapons. At the end of the consultations, delegations had agreed that the draft convention should be considered in more detail by the Ad Hoc Committee, and the general draft resolution on terrorism had been revised accordingly.

13. **Ms. Fernández de Gurmendi** (Argentina), introducing draft resolution A/C.6/53/L.20/Rev.1, said that the last revision to paragraph 15 had been omitted and that, in the second line, after the words "progress made", the phrase "in the implementation of its mandate" should be inserted.

14. The draft resolution strongly condemned all acts, methods and practices of terrorism. The question of the future mandate of the Ad Hoc Committee established by

General Assembly resolution 51/210 had been discussed at length in informal consultations; the outcome of those discussions was reflected in paragraphs 11, 12, 14 and 15 of the draft. She hoped that the draft resolution would be adopted by consensus.

15. **Mr. Obeid** (Syrian Arab Republic) said that paragraph 11 of the English-language text was not identical to paragraph 11 of the Arabic version, from which the phrase "will continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument" had been omitted.

16. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/53/L.20/Rev.1 without a vote.

17. *Draft resolution A/C.6/53/L.20/Rev.1 was adopted without a vote.*

18. **Mr. Akbar** (Pakistan) recalled that the issue of the legal definition of international terrorism had been on the Committee's agenda since 1972 and that no solution had yet been found. A number of delegations hoped that the issue would be settled expeditiously so that a distinction could be made between terrorism as a criminal act and the struggle of peoples for national liberation, which was legitimate.

19. **Mr. Obeid** (Syrian Arab Republic) said that his delegation had joined the consensus on the draft resolution because it condemned terrorism in all its forms and manifestations. However, it was important to draw a distinction between terrorism, which was a crime punishable by law, and the legitimate struggle of peoples against all forms of foreign occupation. His country had become a party to all the international conventions to combat terrorism and it had participated in the drafting of the Arab Convention on the Suppression of Terrorism.

20. While draft resolution A/C.6/53/L.20/Rev.1 contained many positive elements, others were unclear and could lead to divergent interpretations. Moreover, key elements provided for by resolutions on terrorism already adopted by the General Assembly had been omitted from the current draft resolution. In particular, a special paragraph should have reaffirmed the rights of peoples under foreign domination as well as the legitimacy of their struggle in accordance with the principles of the Charter of the United Nations. He therefore endorsed the first three preambular paragraphs. The concept of terrorism in draft resolution A/C.6/53/L.20/Rev.1 should not apply to the legitimate resistance against Israeli occupation in the occupied Arab territories. On the contrary, it was the acts and criminal practices of the occupying forces that should be curbed. He endorsed the position adopted by the Movement of Non-Aligned Countries at the Durban Conference, which made that clear distinction.

21. Recalling that the unilateral use of force and violence in international relations constituted a flagrant violation of the Charter of the United Nations and of international law, he said that his delegation welcomed paragraph 6, which was consistent with the final declaration of the Movement of Non-Aligned Countries.

22. His delegation attached great importance to the draft international convention for the suppression of acts of nuclear terrorism. However, the failure to define nuclear terrorism had raised serious difficulties during the debates, as had the inclusion of new articles with respect to the purpose of the draft convention, the seriousness of the acts and the scope of its provisions. Moreover, the draft convention covered only acts committed by individuals although only States could commit nuclear terrorism. He hoped that future meetings would lead to a balanced text that was acceptable to all.

23. **Mr. Myman** (Sweden) said that his delegation wished to join the consensus on draft resolution A/C.6/53/L.20/Rev.1 and endorsed the decision to establish an ad hoc committee to elaborate a draft international convention for the suppression of terrorist financing. His delegation's position with respect to the elaboration of an international convention on terrorism expressed at previous sessions remained unchanged.

24. **Mr. Tankoano** (Niger) said that, in the second line of paragraph 11 of the French text of the draft resolution, an "e" should be added to the word "international", after the word "convention".

25. **Mr. Al-Qadhi** (Iraq), noting that his delegation supported draft resolution A/C.6/53/L.20/Rev.1, said that a distinction should have been made between terrorism and the legitimate struggle of peoples against foreign occupation. He fully endorsed the statement of the representative of Syria.

26. **The Chairman** announced that the Committee had concluded the consideration of agenda item 155, entitled "Measures to eliminate international terrorism", it being understood that the work of the Ad Hoc Committee established by the General Assembly to elaborate a draft international convention for the suppression of acts of nuclear terrorism would continue.

27. The constructive atmosphere and pragmatism that had prevailed throughout the Committee's work had permitted the adoption by consensus of 12 draft resolutions and 2 draft

decisions. Reviewing the achievements of the Committee at the current session, especially the addition of new elements to previous resolutions, he noted that, as far as the resolution on the establishment of an international criminal court was considered, there had been broad agreement on the historic significance of the adoption of the Rome Statute and on the need to embark upon the practical arrangements for the commencement of the functions of the Court. He also welcomed the provisions made in the resolution to allow the participation, in the work of the Preparatory Commission responsible for facilitating the commencement of the functions of the Court, of intergovernmental and non-governmental organizations. The draft resolution helped to maintain the momentum of the Rome Conference.

28. The Committee also welcomed yet another concrete result, the adoption of the draft principles and guidelines for international negotiations, which would be very useful in the area of international relations, since they would contribute substantially to the peaceful settlement of international disputes and the adoption of new international norms of conduct of States.

29. He also highlighted the Committee's decision to initiate, at the proposal of France and thanks to the coordination efforts of Argentina, the elaboration of a draft convention for the suppression of terrorist financing. Such a text should be extremely useful in the general efforts to combat international terrorism because of the concrete measures it provided for and its appeal to States to become parties to existing international instruments. Sadly, he had to conclude, in the light of the number of States that had signed or ratified existing international conventions, including the International Convention for the Suppression of Terrorist Bombings, which no State had yet ratified, that much still remained to be done in that field.

30. Also worthy of note was the fact that, for the first time, an in-session dialogue had been established between the International Law Commission, particularly through its special rapporteurs, and the Sixth Committee. It was a new trend which should be encouraged because it enabled the two bodies to exchange views in a more meaningful and businesslike manner.

31. He recalled how hard the Committee had worked until the eleventh hour in order to have the draft international convention for the suppression of acts of nuclear terrorism adopted. Such a convention would have helped to reduce the very real and grave danger posed by nuclear terrorism, especially to international peace and security and the security of States. It would also eliminate another legal lacuna in combating international terrorism. Those efforts had not been in vain because the experience and understanding gained during the consultations that had been ably conducted by the representative of Canada would prove to be useful at the session of the Ad Hoc Committee on terrorism to be held early in 1999.

Completion of the Committee's work

32. After an exchange of courtesies, in which **Mr. Al-Sameen** (Oman), speaking on behalf of the Group of Asian States, **Mr. Šmejkal** (Czech Republic), speaking on behalf of the Group of Eastern European States, **Ms. Steains** (Australia), speaking on behalf of the Group of Western European and Other States, **Mr. Vásquez** (Ecuador), speaking on behalf of the Group of Latin American and Caribbean States, **Mr. Mohamed** (Sudan), speaking on behalf of the Group of African States and **Ms. Efrat-Smilg** (Israel) participated, **the Chairman** declared that, with the exception of ongoing work on agenda item 155 within the Ad Hoc Committee on the drafting of an international convention for the suppression of acts of nuclear terrorism, the Sixth Committee had completed its work for the fifty-third session.

The meeting rose at 4.25 p.m.